THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.14082 of 2006

Dated: 17.01.2007

Between:

L. Venkata Ramesh.

..... PETITIONER

AND

The Commissioner of Endowments, Hyderabad, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.14082 of 2006

ORDER:

Sri Khambala Rangaiah Choultry, Bapatla, Guntur District, is a recognised charitable institution governed and regulated by the Andhra Pradesh Charitable and Hindu Religious Institutions & Endowments Act, 1987 (the Act, for brevity). The choultry was founded by late Rangaiah, great grandfather of the petitioner and L. Venkata Swamy, grand father of the petitioner, was at the helm of affairs during his lifetime. After the death of the grandfather, the father of the petitioner and third respondent applied to second respondent for their recognition as members of the founder's family. By proceedings in Rc.No.A4/1297/2002 dated 18.04.2002, second respondent recognised both of them as founder trustees of the choultry. Thereafter it appears that the father of the petitioner, Venkata Ramanaiah, discharged the office of the founder's trustee managing the choultry and after death of father of the petitioner, third respondent approached second respondent on 24.04.2006 seeking recognition and permission to him to continue as founder trustee of the choultry. He informed that Venkata Ramanaiah continued as trustee from 21.04.2004 and requested by rotation, he may be appointed as trustee. Considering the request, by proceedings in Rc.No.A4/3223/2006 dated 30.06.2006, second respondent permitted third respondent to hold the office of the founders trustee for a period of two years. This is assailed in instant writ petition.

The learned counsel for the petitioner primarily submits that an enquiry into the allegations for misappropriation of funds by third respondent is pending. Therefore, such person cannot be appointed as a founder trustee. He, however, does not dispute that petitioner's father continued as a founder trustee and that after his death, the petitioner was recognised as founder trustee in the line of succession. Therefore, whether there was any understanding between late Venkata Ramanaiah, father of the petitioner, and third respondent to enjoy trusteeship by rotation or not, is a question to be decided by the appropriate authority.

The petitioner has an effective alternative remedy by way of revision under Section 92 of the Act. Therefore, this Court is not inclined to go into the matter. The petitioner is given liberty to avail the alternative remedy. In view of the above, without expressing any opinion on the merits of the case, the writ petition, with the above observations, is accordingly disposed of. No costs.

(**V.V.S.RAO, J**)

17th January, 2007
ghn